

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

In the Matter of the Search of)
 (Briefly describe the property to be searched)
 or identify the person by name and address))

Case No. 544/o 1/22395

THE PERSON OF JEREMY JOSEPH)
BERTINO FOR BUCCAL SWABS AND)
FINGERPRINTS)

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A

located in the Western District of North Carolina, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
 18 U.S.C. § 922(g)(1)

Offense Description
 Possession of a Firearm by Convicted Felon

The application is based on these facts:

See accompanying Affidavit.

- ☒ Continued on the attached sheet.
☐ Delayed notice days (give exact ending date if more than 30) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

/s/ Catherine Bowles

Applicant's signature

Catherine Bowles, Task Force Officer, FBI-JTTF

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P 4.1 by telephone.

Signed: April 8, 2022

Date: 4/8/2022

City and state: Asheville, North Carolina

W. Carleton Metcalf
 W. Carleton Metcalf
 United States Magistrate Judge



WDNC

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

**IN THE MATTER OF THE SEARCH OF: THE
PERSON OF JEREMY JOSEPH BERTINO
FOR BUCCAL SWABS AND FINGERPRINTS**

Case No. 3:22-mj-00173

**AFFIDAVIT IN SUPPORT OF AN APPLICATION
UNDER RULE 41 FOR A WARRANT TO SEARCH
AND SEIZE**

I, Catherine Bowles, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this Affidavit in support of an Application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the person of **JEREMY JOSEPH BERTINO (BERTINO)**, date of birth: 06/05/1979, social security number XXX-XX-0455, for the purpose of obtaining deoxyribonucleic acid (DNA) and major case prints by collecting oral (buccal) swab samples and fingerprints (to include palm prints) according to the standard practices and procedures employed by the FBI for DNA and fingerprint testing and comparison. Based on the facts set forth in this Affidavit, there is probable cause to believe that **BERTINO** violated federal criminal statutes, including but not limited to the following crime: Felon in Possession of a Firearm, in violation of 18 U.S.C. 922(g)(1), and that **BERTINO's** DNA and fingerprints will provide evidence of such crime.

2. I am a Task Force Officer with the Federal Bureau of Investigation (FBI) and have been so since April 2017. I am also employed with the Charlotte Mecklenburg Police Department and have been since July 1996. As such, I am an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18 of the United States Code. I have been the lead agent for investigations targeting global criminal organizations. I have testified during an array of judicial proceedings, conducted physical and electronic surveillance, administered confidential sources, and received training as investigative techniques evolve. I have interviewed hundreds of defendants, witnesses, and informants. In addition to my regular duties, I am currently also tasked with investigating criminal activity that occurred in and around the United States Capitol grounds on January 6, 2021. The facts in this Affidavit come from my personal observations, my training and experience, information obtained from other agents and witnesses, and the results and analysis of search warrant returns. This Affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

3. Based upon my training, experience, and investigations, I know that individuals engaging in criminal activity will, when interacting with law enforcement, distance themselves from their criminal activity, to include denying ownership of contraband, weapons, and/or electronic devices found on their person, within a vehicle and/or within a residence. Based on my experience, it is not uncommon for individuals engaging in criminal activity to have multiple firearms that are not registered to them or have any information at all. I know from my training, experience, and investigations, that individuals engaging in criminal activity will also lie to law enforcement about their identities and their affiliations to mask their criminal activity.

4. This Affidavit is intended to show only that there is sufficient probable cause for

the requested Warrant and does not set forth all my knowledge about this matter. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to obtain the requested warrant.

PROBABLE CAUSE

5. Based on Your Affiant's training and experience and the facts as set forth in this Affidavit, there is probable cause to believe that **JEREMY JOSEPH BERTINO (DOB 06/05/1979)** violated federal criminal statutes, including but not limited to the following crime: Felon in Possession of a Firearm, in violation of 18 U.S.C. 922(g)(1).

a. Felon in possession of a firearm, 18 U.S.C. 922(g)(1):

It shall be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

SUMMARY OF THE OFFENSE

¹ The definition of a "firearm" for purposes of Title 18 U.S.C. 922(g)(1) is found at 18 U.S.C. § 921(a)(3) defines a "firearm" as a weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. *See also* 26 U.S.C. § 5845(a)(8). A "destructive device" is further defined in 26 U.S.C. § 5845(f). "The term 'destructive device' means (1) any explosive, incendiary, or poison gas (A) bomb . . . or (F) similar device . . ." 26 U.S.C. § 5845(f)(1).

6. The U.S. Capitol Police (“USCP”), the FBI, and assisting law enforcement agencies are investigating a riot and related offenses that occurred at the United States Capitol Building, located at 1 First Street, NW, Washington, D.C., 20510 on January 6, 2021.

7. On March 7, 2022, a search warrant was issued in the District of Columbia (22-SW50) for Jeremy BERTINO’s residence, located at 311 Paradise Circle, Belmont, North Carolina 28012 and for his person. The search warrant was issued by United States Magistrate Judge Zia M. Faruqui, in the District of Columbia, under Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in furtherance of a domestic terrorism investigation. On March 8, 2022, at approximately 0630 hours, the search warrant was executed on BERTINO’s person in the area of Ferguson Plumbing Supply, 5025 Sunset Road, Charlotte, North Carolina 28269. Shortly thereafter, around 0645 hours, the search warrant was executed on the residence.

8. While executing the search warrant on the residence, several firearms were observed inside the home. Three unsecured AR style rifles and one shotgun were found in the basement containing the following information: one black .22 long range rifle with serial number HAO39567, one Savage Rascal rifle with serial number 3645490, one Mossberg International 715T rifle with serial number EUF4488877, one Garaysar 12-gauge semi-automatic shotgun with serial number 20G6368. The rifles and shotgun were located in a closet of the basement behind a hidden wall.

9. In the master bedroom of the home, two handguns were located. The handguns were found unsecured on a shelf in the bedroom that BERTINO shares with his girlfriend, Nicole Harris Ramos. The handguns are described as the following: one Smith and Wesson M&P Shield EZ 9mm Lugar with serial number RJJ6936, and one Walther P22 22LR Muddy Girl Camo with serial number WA08829. Multiple cases of ammunition were in this closet as well.

10. BERTINO was in constructive possession of one or more these firearms that traveled in and affected interstate commerce.

11. In this same bedroom, two ballistic plates, a plate carrier, and a rifle scope were found in

the closest, which is believed to primarily be BERTINO's closet. This closet contained male clothing, court documents, and mail addressed to BERTINO. This same room was attached to a bathroom that contained medication that was prescribed to BERTINO.

12. On September 2, 2003, BERTINO was arrested for the felony of Reckless Endangerment in the First Degree in the Town of Riga, County of Monroe, New York, along with related misdemeanor charges and infractions. BERTINO recklessly engaged in conduct which created a grave risk of death to another person. On March 12, 2004, BERTINO was convicted of the Reckless Endangerment in the First Degree felony offense, making him a convicted felon. Reckless Endangerment in the First Degree is a Class D felony in New York. A Class D felony in New York is punishable by a maximum of seven (7) years imprisonment. The minimum sentence for a Class D felony indeterminate sentence is fixed by the court and shall not be less than one year nor more than one-third of the maximum sentence imposed. NY PENAL § 70.00.3.(b). A court, however, considering the circumstances of the crime and the history and character of the defendant may impose an alternative definitive sentence of one year or less. NY PENAL § 70.00.4.

13. BERTINO was convicted by Plea of Guilty in Monroe County Court, Monroe County, NY. BERTINO was represented by defense counsel. On March 12, 2004, BERTINO was sentenced in Monroe County Court, Monroe County, NY for the Reckless Endangerment in the First Degree offense and the received a sentence of five (5) years' Probation with a period of Local Jail Time. As of February 5, 2021, BERTINO had not been pardoned by the Governor of New York or had his firearm privileges restored by the State of New York. Sworn Statement of William Fitzpatrick, Director, Executive Clemency Bureau State of New York, February 5, 2021. In my training and experience, when a defendant is convicted of a felony offense and receives a probationary sentence, the defendant is advised by the court and or probation officer he is convicted of a felony and is not permitted to possess firearms.

14. Under federal law, a convicted felon cannot be in the possession of firearms or ammunition, 18 U.S.C. § 922(g)(1). Possession may be actual, constructive, or joint. The firearms located in BERTINO's

residence were unsecured and not in a locked safe. Two handguns were found in the room that BERTINO shared with his girlfriend, Harris-Ramos, along with multiple boxes of ammunition. BERTINO could easily access and constructively possess and control the firearms in the residence. Based on the firearms found within the residence, BERTINO's conviction and his immediate access to multiple weapons located throughout the residence, to include rooms where items were addressed and prescribed to BERTINO, gives probable cause to believe that BERTINO was in possession of a firearm and ammunition by a convicted felon.

15. On March 8, 2022, a secondary search warrant was issued in the Western District of North Carolina (3:22-mj-110) for Jeremy BERTINO's residence, located at 311 Paradise Circle, Belmont, North Carolina 28012, for search and seizure of the firearms and ammunition observed in plain view within the residence. The search warrant was issued by United States Magistrate Judge Davis S. Cayer in the Western District of North Carolina.

16. On March 8, 2022, at approximately 2110 hours, the secondary search warrant was executed on BERTINO's residence, located at 311 Paradise Circle, Belmont, North Carolina 28012. One black .22 long range rifle with serial number HAO39567, one Savage Rascal rifle with serial number 3645490, one Mossberg International 715T rifle with serial number EUF4488877, one Garaysar 12-gauge semi-automatic shotgun with serial number 20G6368, one Smith and Wesson M&P Shield EZ 9mm Luger with serial number RJJ6936, and one Walther P22.22LR Muddy Girl Camo with serial number WA08829, and thousands of rounds of ammunition and gun accessories were seized.

17. Based on my training and experience, I am aware that individuals that handle the aforementioned items may leave their DNA and/or fingerprints on such firearms, ammunition, accessories, and associated parts. All items seized in relation to this investigation have been maintained by law enforcement pending DNA and fingerprint comparison, which is the subject of this warrant application.

CONCLUSION

18. Based on my training, experience, and the facts set forth in this Affidavit, there is probable cause to believe that **BERTINO** violated federal criminal statutes, including but not limited to the following crime: Felon in possession of a firearm, in violation of 18 U.S.C. 922(g)(1), and that evidence of such violations will be found on the person of **Jeremy Joseph BERTINO**, date of birth: 06/05/1979, social security number XXX-XX-0455, in the form of DNA and fingerprints. Said DNA and fingerprints are relevant and material in the context of forensic evaluation with regard to establishing **BERTINO's** actual possession or handling of materials consistent with possession of a firearm in by a convicted felon in relation to the present investigation.

19. I respectfully request a search warrant be issued to search the person of **Jeremy Joseph BERTINO**, date of birth: 06/05/1979, social security number XXX-XX-0455, for the

purpose of obtaining deoxyribonucleic acid (DNA) and major case fingerprints (to include palm prints) to compare with any fingerprints or DNA that are found on the materials consistent with constructing explosive devices mentioned above.

Respectfully submitted,

S/ Catherine Bowles

Catherine Bowles
Task Force Officer
JTTF Federal Bureau of Investigation

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 8th day of April, 2022 at 4:05 PM.

Signed: April 8, 2022



W. Carleton Metcalf
United States Magistrate Judge



ATTACHMENT A

From the person of **Jeremy Joseph BERTINO**, date of birth: 06/05/1979, social security number XXX-XX-0455, including the inside of his mouth and his hands and fingers.

ATTACHMENT B

1. Deoxyribonucleic Acid (DNA) Sample (in the form of buccal swabs taken from inside the mouth/cheek of **Jeremy Joseph BERTINO** and
2. Major Case Fingerprints, namely impressions of the entirety of both of **Jeremy Joseph BERTINO's** hands, including prints of his palms and fingers.